

WILL OF GEORGE WHATLOKE, OF CLARE.—1539.

[READ MARCH 14, 1850.]

In dei nomine Amen, xvj die mens' Augustij anno d'ni mill'imo quingen' tricesimo nono, ac regni regis Henrici viij tricesimo primo. I George Whatloke, of Clare, in the countie of Suff. clothmaker, and in the dioces of Norwich, beyng hooll of mynde and of good and parfyght remembraunce, thankes be to Jhu my mercyfull sauor, do orden and make thys my present testament and last wyll in maner and forme foloyng. Fyrst, I bequethe my sowle to almyghty god our lady Saynet Mary, and to all the holly company of heuyn, my body to be buryed in the paryshe church yerde of Clare aforesayd, which that oonys don I wyll and yn Godd's behalfe requeer myn executors that they holly and faythfully content and paye all my detts which can or maye be euydently prouyd of dewty to be dewe to any person or personns. Item, I gyue and bequethe to the hyeghe aulter of Clare aforesayd, for my tythys and offerynges neglegently and not trewly payed, and that the curat there may the more devowtely pray for my sowle, vjs. viij*d*. Item, I wyll that my executors gyue in almys to euery person holdynge forth hys hande at the daye of my buryall* on peny at the leest, that they may praye to god to haue mercy vpon me, ouer and besydys the rewarde to preystys and clerkes. Item, I wyll that myne executors immedyatly after my decesse, as sone as they can or may convenyently, that they shall purchase so moche lande†, medow, or pasture as shalbe to the yerely value of xs. by yere ouer all charges, and that lande, medowe, or pastur so purchased, to be letten to farme by the churchwardens of Clare aforesayd for the tyme beyng. And I wyll that the sayde yerely farme of xs. so comynge of the sayd lands, medowe, or pasture, shall yerely from thensforth paye and dyscharge

* John Baret, by will dated 1463, directed bread "to be delyd to poor folke that be redy to take it, stondyng in the strete abowte my place".—*Tymms's Bury Wills*, p. 28.

† There are several pieces of land, both arable and pasture, belonging, through bequest and purchase, to the town of Clare. They are situate in Clare and the adjoining parishes of Stoke, Ashen, and Poslingford; and, with the addition of a small farm at Barnardiston, contain the aggregate quantity of 157*A*. 2*R*. 22*P*. But which of these pieces was purchased by the pecuniary bequest of George Whatloke, I have no means of ascertaining. The entire conditions of his will however have now fallen into complete disuetude, that which provided for the "common fine" being longest

obeyed, the last payment of it being made by the overseers at a court leet held in 1832. From the circumstance that a portion of the land is called the "common pasture," and is vested in *feoffees*, an inference might be drawn that it was connected with Whatloke's will, and that the *fine*, bearing a similar name, was charged on it. Yet such is not the fact, as there are documents in the possession of the churchwardens, which prove that some time previous to the year 1535, that pasture was granted to the townspeople, for a specific purpose, by Queen Catherine, first wife of Henry VIII., the grant being subsequently confirmed by Queen Mary, her daughter. Nor was the *fine* a charge on the land, for the *feoffment* accounts contain no entry of its ever being paid, or even demanded.

the holle commyn fyne as well for the Deceners* as for the Hedborows then dwellynge w^{yn} the same towne of Clare. To the purchase of wyche londe, medowe, or paster, I wyll that myne executo^rs bestowe & paye xijⁱⁱ or xx markes rather than the sayde ackte & dede shulde be ondone. Wherfor I wyll, & en God's behalfe, I speccially do requere, that the seyde Deceners there & then so beyng that they shall yerely at soche daye as the lete shalbe there yn the sayde towne of Clare kepte and holden, & the commyn fyne there & then yerly contentyd & payde, shall ryng a sollom pele w^t all the bells yn the stepyll of the seyde towne of Clare, for my sowle & all my frends sowles, & all crysten sowles, & thus & yn thys facyon to be vsyde for ever. And for that the ij chyrche wardens w^t the sexten of the sayde towne shalbe the more arnest & dyligent to se thys done, I wyll that every of the sayde chyrchewardens & the sexten, shall have for ther labor iij*d.* yn the name of a rewarde, and the ryngeres of the bells to have viij*d.* for ther labor, wyche hole some of money concernynge the lete & these rewards shall extende to the some of xjs. viij*d.* by the yere. And ouer that I wyll that the sayde londe, medowe, & paster thus to be purchesyd shalbe put yn feoffment into xxiiijⁱⁱ parsons, inhabytants & lyke to be ynhabytans w^{yn} the sayde towne of Clare, to holde to them & to ther heyers, to the yntent beseide. And ouer that I wyll that, at soche tyme as the seyde feoffes shall be departyd & dyssecyd, then lvyng only of them butte iij or ij, then I wyll that these iij or ij so beyng yndvyd [indued] w^t lyfe naturall, shall make a new feoffment of the seyde londe, medowe, or paster, yn fee sympyll, vnto the nomber of xxiiij lyke persons, to the yntente & purpose afore remembryde, & so yn lyke maner & forme to be contynewyde. Proudryde allwey that yf thys my present testament and last wyll be not fulfylld & kepte acordynge to the yntente afore mencionyde, or yf the seyde londs, medowes, or pastures so porchasyde & put yn feoffment yn maner & forme aforesayde, shall fortен hereafter to be sowlde, or put to eny other vse, yntent, or purpose, so that thys my present testament & last wyll be not fulfylld & kepte accordynge to the yntent and purpose aforesayd, that then it shalbe lawfull for my next heyer or heyres, to enter into the sayde lands, medows, or pastures so purchased, and the same to

* *Deciners, Decenniers, or Doziners—Decennarii.* In our ancient law, such as were wont to have the oversight of the *Friburghs*, or views of frank-pledge, for the maintenance of the king's peace; and the limits or compass of their jurisdiction was called *decenna*, because it commonly consisted of ten households; as every person, bound for himself and his neighbours to keep the peace, was styled *decennier*.—*Bract.* lib. 3, tract 2, c. 15. These seem to have had large authority in the time of the Saxons, taking knowledge of causes within their circuits, and redressing wrongs by way of judgment, and compelling men thereunto, as appears in the laws of King Edward the Confessor (*Lambard Numb. 32*); but of late

decennier is not used for the chief man of a *dizein* or *dozein*; but he that is sworn to the king's peace, and by oath of loyalty to the prince, is settled in the society of a *dozein*. A *dozein* seemed to extend so far as a leet extendeth; because in leets the oath of loyalty is administered by the steward, and taken by all such as are *twelve* years old and upwards, dwelling within the precinct of the leet where they are sworn (F. N. B. 161). There are now no other *dozeins* but leets; and there is a great diversity between ancient and modern times, in this point of law and government (2 *Just.* 73, sec. 1, *Comm.* 114. 4 *Comm.* 252: and *ante Decennary*.—*Tomlins' Law Dict.*

haue and to holde to theym and to ther heres for euer, thys my present testament and last wyll or any thyng hereyn conteynge to the contrary not withstandyng. Item, I gyue and bequethe to Jone my dowghter xl. sterlyng, to be payd to the sayd Jone at the age of xvij yeres, or elles at the daye of hyr maryage, if the sayd Jone wyll. And yf the sayd Jone departe thys present lyfe before she come to the age of xiiij yeres, or before she be maryed, then I wyll the seyde xl. starlyng to her bequethyde & assynye shalbe distributyd & done yn deds of charyte wythe yn the seyde towne of Clare by the dyscresyon of myne executo's for the welthe of my sowle & of my wyffys sowle & the sowle of the sayde Jone & all crysten sowles. Item, I geve & bequeth to John Whetlocke, myne newewe, xl. starlyng, & the same to be delyveryd & pade to the seyde John w'yn one yere next after my dyssece; & every one of hys thre chylderne, that ys to wytt, every of them iij s. iij d. & that to be payde at the daye of my buryall. And yf eny of hys sayde chylderne departe and dyssece w'yn the age of xxj yeres than I wyll that parte to hym bequethyde so dysseceyd shalbe among them than lyvyng. Provydyde allwey that yf any of my londs or tenements here aftar shall dyscende to the sayde John Watlocke by & after the dyssece of the forsayde Jone my dowter, then I wyll the sayde John shall make payment of the sayde xl. to hym bequethyde to myne executo's, or to the executo's of them yf they be departyde, & the sayde xl. to be done in deds of charyte w'yn the seyde towne of Clare by the dyscrecyon of myne executores or the executo's of them, to praye for my sowle, my frends sowles, & all crysten sowles. Item, I geve & bequethe to euery one of my godchylderne now lyvyng xij d. to praye for my sowle. Item, I geve & bequethe on to Thomas Whatloke, my brother, xxs. to be payde to hym at the day of my buryall, & ouer that I geve and bequethe to the seyde Thomas xs. to be payde yerly to the sayde Thomas duerynge hys lyfe, that ys to wytt, euery halfe yere xs., the fyrst payment therof to be gyuen w'yn halfe a yere next after my dyssece. Item, I geve & bequethe to John Chapman, Thomas Chapman, & Anne Chapman, euery of them iij s. iij d. & yf any of them departe before the age of xxj yere, then I wyll that parte so to hym bequethyd shalbe divydyde amongs them then lyvyng. It'm, I geve & bequethe to Margaret Halke, the wyffe of Rychard Halke xxs. to be payde to her at the daye of my buryall. It'm, I geve & bequethe to George Halke, my godson, vjs. viij d. to be payde at the daye of my buryall. It'm, I wyll that yf any thyng comprehyde yn thys my last wyll and testament wantythe or lakythe yn dewe maner & forme of orderyng or makyng, then I wyll that yt shalbe reformyde and amendyde by soche counsell lernyde as myne executor shall resorte vnto, not changyng theffecte or yntente of thys my presente testament & last wyll*. The resydew of my goods & cattells here to fore not bequethyde I geve and be quethe to Margeret my wyef, whome I orden & make one of myne executo's, & Thomas the other executor, & the

* Such provision is unusual. The will of John or Jankyn Smith, of Bury, 1480, provides "that as longe as myn executoures be levyng, yf any thing nede and is behovefull in any parcell of myne

will to be reformed for the better entente, I woll that my seid executoures reforme it after there discrecion, as they will answeere before god."—*Tymms's Bury Wills*, p. 64.

sayde Thomas to have for hys labor xls. & Robart Whatlok supervysor of thys my testament & last wyll, & he to haue for hys labor & payne takyng xxs. Thes wytnes George Danyell, jentylman, Ryc. Harvy. Item, I wyll that Sir Thomas Martyn, clerk, shall have a hondrethe thyrtene shylyngs & fowar pense, to pray for my sowle w^{yn} the chyrche of Clare the space of one hole yere. Item, I geve & bequethe xl. starlynge to the amending of the heywey, as myne executores shall thynk most co'venyent & necessary a bowght the towne of Clare. Item, I geve ouermore to Nycholas Martyn, Margeret Martyn, w^t ther brothern & systerne iijs. iiijd. a pese & yche of them to be otheres ayer. Apud London probatum fuit*.

AMPTON CHURCH.

[READ DEC. 12, 1850.]

THE parish of Ampton is in the hundred and deanery of Thedwastre, archdeaconry of Sudbury, and diocese of Ely.

At the period of the Norman survey there was a church in this parish, with eight acres of free land belonging to it. The present structure, dedicated to St. Peter, is of boulder, with stone dressings. It was erected in the 15th century in the perpendicular style, and consists of a square tower at the west end, 40 ft. high; a nave, 38 ft. long and 15 ft. wide, with a porch on the south and a chantry chapel on the north; and a chancel, 18 ft. in length and 15 ft. in width. It exhibits no architectural features of peculiar interest; but having been recently repaired and re-furnished from designs by Mr. Teulon, at the cost of Lord Calthorpe, is a pleasing neat little church. The only entrance is by the small plain tiled porch on the south side.

The nave contains several floor stones without any inscriptions, one near the reading desk has a male and female figure in brass, probably members of the Cocket family; and another, near the centre of the church, with a female figure, in memory of Joan, the widow of Thomas Heigham, gent., who died Oct. 2nd, 1611, and was buried here. A neat marble tablet opposite the entrance records the death of the Rev. John Bird, rector of this parish 50 years, who died Aug. 9th, 1745.

On the north side of the nave is Cocket's chantry, the entrance being beneath a handsome obtuse pointed stone

* Registry of Wills, Bury, Lib. Poope, f. 37.